

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Retail Access Optimization Initiative

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Docket No. N2011-1

**AMERICAN POSTAL WORKERS UNION, AFL-CIO  
MOTION REQUESTING UNITED STATES POSTAL SERVICE TO PROVIDE A  
DETAILED STATEMENT ON OUTSTANDING DISCOVERY  
(August 30, 2011)**

Pursuant to Rule 21 of the Rules of Practice, American Postal Workers Union, AFL-CIO respectfully requests that the Presiding Officer issue an Order directing the Postal Service to provide a detailed statement addressing the status of all outstanding discovery pending in this case, and definitive schedule for production.

On July 28, 2011, the Commission issued Order No. 778 which created the present docket and established the schedule for the proceedings for this case. Given the Postal Service's financial position, the Commission determined to expedite these proceedings and modified the standard discovery rule to require responses to be filed within 7 days of the discovery request. The Postal Service efforts to comply with this abbreviated response time have generally been satisfactory. However, several requests for relevant information/data have not been answered and the Postal Service has provided no indication when this information will be provided. Significantly, the bulk of the outstanding discovery includes promised Library References that provide vital information about the RAO process, related data, and information pertinent to whether the process complies with the policies of Title 39.

Discovery presently outstanding includes, but is not limited to, the following:

1. PR/USPS-T1-5, filed August 1, 2011, requesting source data for the USPS statement that “approximately 85 percent of postal retail revenue is generated from the sale of postage.”

On August 8, 2011, Postal Service responded that “[a] Library Reference with links to source data will be filed.” To date, no such Library Reference has been filed. The Postal Service has also provided no indication of when it intends to file this data.

2. PR/USPS-T1-13(f), filed August 5, 2011, requesting Post Office box information for each postal retail facility under consideration for discontinuance.

On August 15, 2011 the Postal Service responded that “[a] response is forthcoming, with an application for non-public status regarding subpart (2). To date, no such Library Reference has been filed. The Postal Service has also provided no indication of when it intends to file this information.

3. POIR No. 1 Question 7(b) filed August 2, 2011 seeking “source data or database for the CSDC program, including data for all facilities that were considered in developing the list of candidate facilities.”

Postal Service responded on August 9, 2011, “[r]esponsive data are being compiled in Library References.” To date, no such Library Reference has been filed. The Postal Service has also provided no indication of when it intends to file this information.

4. POIR No. 1 Question 14 filed August 2, 2011, seeking driving distances to the nearest alternate retail locations for each facility under consideration.

Postal Service responded on August 9, 2011, “[d]ata are being compiled in a Library Reference responsive to this request.” To date, no such Library Reference has been filed. The Postal Service indicated on August 22, 2011 in its objection to APWU Interrogatories that this information is to be filed August 30, 2011, one day before the close of discovery on the Postal Service’s direct case.

5. NAPUS/USPS-T1-1 filed August 8, 2011, seeking walk-in revenue for 2,800 facilities under consideration for 12-month period ending in July 2011.

Postal Service responded on August 15, 2011, “walk-in revenue figures for each facility, and data reflecting the combined earned workload for mail distribution, Post Office Box delivery, and retail window service activity used to determine whether the facilities exceeded the “low earned workload” threshold will be provided in a Library Reference shortly.” To date, no such

Library Reference has been filed. The Postal Service has also provided no indication of when it intends to file this information.

6. NAPUS/USPS-T1-8 filed August 8, 2011, seeking Post Office Box information.

Postal Service responded on August 15, 2011, “[d]ata reflecting the total number of Post Offices, the number of free Group E boxes, and the total box revenue for these 2800 Post offices are being developed. To date, this data has not been provided and the Postal Service has provided no indication of when it intends to file this information.

7. NAPUS/USPS-T1-16 filed August 8, 2011, seeking data regarding the POS locations surveyed, and their locations (urban, suburban, and rural/small town).

Postal Service responded on August 15, 2011, “[i]n an effort to be responsive to this interrogatory, POS terminal distribution by CAG level are being developed and will be provided.” To date, this data has not been provided and the Postal Service has provided no indication of when it intends to file this information.

8. APWU/USPS-T1-1(a-c) filed August 15, 2011, seeking hours of operation, facility finance numbers and street addresses.

Postal Service responded on August 23, 2011 that “[a] USPS Library reference containing this information is forthcoming.” To date, this information has not been provided in full and the Postal Service has provided no indication of when it intends to file this information. Objections to subsections (d) and (e) were filed August 22, 2011 and the APWU filed a Motion to Compel these responses on August 29, 2011.

APWU plans to introduce rebuttal testimony in this case and our experts need to evaluate the missing data and responses to prepare their testimony. Yet rebuttal testimony is currently scheduled to be filed September 16, 2011, a mere 17 days from today. Without the opportunity to review and analyze the missing information a reasonable time in advance of filing our rebuttal testimony, it is likely that APWU will be greatly prejudiced. Therefore, the Postal Service should be required to immediately provide a schedule of the dates it will provide each outstanding discovery item. Depending on the schedule provided, APWU may seek a revision to the current procedural schedule to ensure that it and other parties intending to submit rebuttal testimony have adequate time review all of the information filed in this case and to finalize testimony accordingly.

For the reasons explained above and in order to ensure that neither the APWU, nor any other party is prejudiced by the late filings in this case, APWU respectfully requests that the Presiding Officer order the Postal Service to provide a status update and definite production dates for all outstanding discovery.

Respectfully submitted,

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